

REMARKS

Applicant respectfully requests reconsideration of this application in light of the amendments and remarks made herein. Claims 1, 7-11 are voluntarily amended herein to reflect minor changes correcting certain instances of antecedent basis errors and to clarify the claimed invention. Claims 2-6 and 12-55 were previously withdrawn from consideration. Applicant requests reconsideration of restricted claims 2-6 as being based upon allowable, generic claim 1. New claims 56-58 are presented for examination.

In brief, the present claimed invention is directed to a magazine transport device used within a magazine-based data cartridge library. The magazine-based library generally comprises a cabinet which defines an interior space. The interior space is adapted to accommodate a shelf system for supporting at least two data cartridge magazines wherein the shelf system can comprise at least one shelf, a drive, a cartridge transport device for moving a data cartridge between one of the magazines and the drive, an entry/exit port for conveying a magazine between an exterior environment and the interior space, and a magazine transport device for moving a magazine between the interior space and the shelf of the shelf system.

Rejections Under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,442,500 to Hidano et al (hereinafter referred to as "Hidano").

Hidano is directed to a library capable of being loaded with magazines adapted to contain a large number of cartridges thereby, reducing the workload associated with loading cartridges in a library by a human operator. Hidano's library is generally comprised of a magazine rack 2b that is arranged between a first and second cartridge rack 2a on one side of the library with drives and a third cartridge rack 2a on the other side of the library (see column 4, lines 32-50, Figures 2, 3 and 5). The magazines are loaded by the operator from the outside of the library by way of a slide table 52. Once loaded, the magazines are held in place in the magazine rack 2b, whereby the cartridges are displaced by a picker accessing the magazines through an opening in each magazine opposite the outside opening associated with the slide table 52. The cartridges can be moved from the magazines disposed in the magazine rack 2b to accommodating locations associated with the cartridge racks 2a or alternatively a drive for reading and writing.

In contrast, as recited in amended independent claim 1, Applicant's magazine-based data cartridge library comprises "a magazine transport device located within said cabinet, for moving a data cartridge magazine within a portion of an interior space defined by said cabinet... wherein said interior space is accessible to said magazine transport device so that said magazine transport device can move one of said data cartridge magazines between said interior space and said shelf of said shelf system."

Nowhere does Hidano disclose a magazine transport capable of moving a data cartridge magazine between an interior space and a shelf system located in the interior space. Rather, Hidano discloses a slide table 52, which the Examiner analogizes to Applicant's magazine transport device, adapted to be loaded with a magazine 30 by an operator external to the library housing 3 whereby the magazine 30 can be inserted into an accommodating magazine space 51 in the magazine rack 2b, which the Examiner analogizes to Applicant's shelf system. As disclosed by Hidano "The magazine rack 2b has six magazine accommodation portions or spaces 51, 51, . . . into which the magazines 30 can be inserted from the side of the front face 3a of the housing 3 toward the side of the rear face 3b thereof" (Column 4, lines 46-50). Also, "A slide table 52 is provided in association with each of the magazine accommodation spaces 51. The slide table 52 is placed on a rail laid in the magazine accommodation space 51. Thus, the table 52 can move between an acceptance position at which it confronts the magazine accommodation space 51 outside this space and an accommodation position at which it lies completely within the magazine accommodation space 51, so as to facilitate the insertion of the magazine 30 into the magazine accommodation space 51" (Column 7, lines 45-55 and FIGS. 1 and 2). Because Hidano fails at least to describe a magazine transport for moving a magazine between an interior space and a shelf of a shelf system, Hidano cannot anticipate claim 1, and Applicant respectfully submits that claim 1 is allowable.

Claim Objections

According to the Office Action, claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Dependent claims 7-11 depend directly or indirectly from independent claim 1 which,

as discussed above, is allowable, and therefore applicant submits claims 7-11 are allowable as being dependent from claim 1.

Restricted Claims

According to the April 29, 2005 Office Action imposing a restriction requirement, Claims 1-11, drawn to a magazine-based cartridge library having a magazine transport device with a tray, classified in class 360, subclass 92 were subdivided into species drawn to claims 2-6 and 7-11. “Upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form of otherwise include all the limitations of an allowed generic claim as provided by 37 CFR §1.141.” 4/29/05 Office Action at 5. Because claim 1 is distinguishable over Hidano for the reasons provided, Applicant submits claims 2-6 are entitled to consideration as depending from generic claim 1.

New Claims Presented Herein

New claim 56 features a data cartridge library with “...a magazine transport device capable of transporting within said interior space one of said magazines from said shelf system to a position for a cartridge transport to move at least one data cartridge from said data cartridge magazine to a cooperating relationship with said first drive; and an entry/exit port capable of receiving one of said magazines from outside said interior space wherein said robotic magazine transport device is capable of moving said magazine within said interior space to said shelf system.” These features are recited in original claim 1, and therefore no new matter is presented in new claim 56.

New claim 57 depends from claim 56 and features a robotic magazine transport device which is described in paragraph [0010] of the specification and thus no new matter is presented. None of the prior art of record, including Hidano, appears to describe, teach, or suggest the invention of claim 57, and thus Applicant submits that claim 57 is allowable.

New claim 58 features a data cartridge library with “an entry/exit port capable of receiving one of said magazines into said interior space from outside said interior space wherein said magazine is movable within said interior space to said shelf system by a magazine transport device confined to said interior space.” These features are recited in original claim 1, and therefore no new matter is presented in new claim 58.

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Authorization To Charge Necessary Fees

The Commissioner is hereby authorized to charge any additional necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,

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